

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	
v.	:	1:22CR340-1
	:	
CHRISTOPHER DONELLE MCDOUGALD,	:	
also known as "C-Mac"	:	

FACTUAL BASIS

NOW COMES the United States of America, by and through Sandra J. Hairston, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Fed. R. Crim. P., states the following:

McDougald is a Convicted Felon:

Christopher Donelle McDougald was convicted of three counts of Sale of a Schedule VI Controlled Substance (N.C. Gen. Stat. § 90-95(A)(1)) in Durham County Superior Court on February 6, 2018. The offenses occurred on three separate dates: October 12, 2016, October 19, 2016, and October 25, 2016. McDougald was sentenced to 6-17 months in prison for each offense to run consecutively. McDougald's sentence was suspended in favor of 24 months of probation.

Also on February 6, 2018, McDougald was convicted of Conspiracy to Commit Assault with a Deadly Weapon Intent to Kill (N.C. Gen. Stat. §§ 14-32(c) and 14-2.4(a)) in Durham County Superior Court. The offense occurred

on August 27, 2017. McDougald was sentenced to 16-29 months in prison to run consecutively to his other convictions on the same date. McDougald's sentence was suspended in favor of 24 months of probation.

McDougald's plea agreement indicated that the statutory maximum for each offense was more than 12 months.

McDougald Possessed a Handgun on September 18, 2019:

On September 18, 2019, at approximately 8:40pm, a Durham County Sheriff's Office (DCSO) deputy stopped Christopher Donelle McDougald for driving his car without a working headlight at the intersection of South Miami Boulevard and Lynn Road. The deputy smelled marihuana when he approached McDougald seated in the driver's seat. The deputy asked McDougald if he had anything in the vehicle that the deputy needed to know about. McDougald handed the deputy a small plastic bag of marihuana weighing approximately six grams. McDougald explained that he was driving home from purchasing the marihuana.

A second deputy told McDougald that deputies were going to search his car and asked him to get out. As McDougald did so, he quickly grabbed at the front of his waistband and ran towards the nearby woods. The deputies pursued McDougald but lost sight of him at a fence line in the woods. A third

responding deputy caught McDougald on the other side of the woods hiding next to a car.

A deputy with a K9 conducted a search beginning from where McDougald was apprehended. The K9 located a Glock 9mm handgun (serial number VXR340) in the grass along McDougald's flight path approximately forty yards from his car. The handgun had been reported stolen from Wake County, North Carolina in 2015.

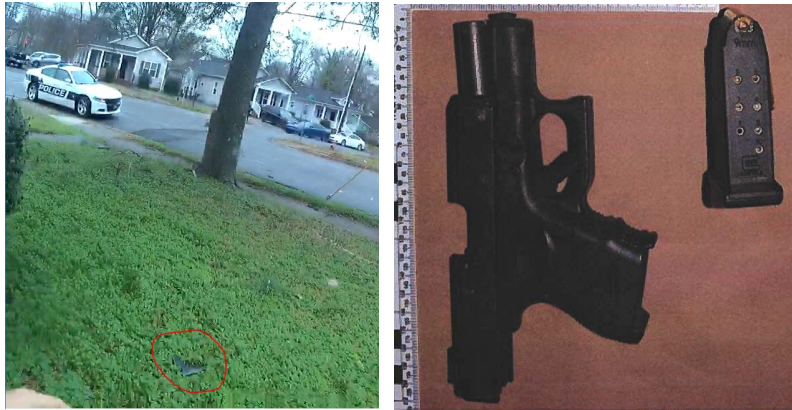


McDougald Possessed a Handgun on January 2, 2022:

On January 2, 2022, a Durham Police Department (DPD) officer was traveling on S. Briggs Avenue when he recognized Christopher Donelle McDougald walking on the sidewalk toward Harvard Avenue. Based on his observations, the officer suspected that McDougald had a gun. The officer got out of his car, approached McDougald, and asked him, “what’s up man?” McDougald turned around, stopped, and said something unintelligible back.

The officer asked, “You’re Chris, right?” The officer asked McDougald what was in his pocket. McDougald responded, “huh?” The officer repeated his question and McDougald responded, “nothing” and pulled a set of keys from his right pocket. The officer asked, “that’s it?” and asked whether there was anything on McDougald’s waist. McDougald answered in the negative. The officer asked if McDougald would show him to confirm. McDougald lifted his shirt but was careful not to pull it up at his middle. The officer believed that McDougald had a gun in his waistband near his groin. The officer asked McDougald if he had a gun on him. McDougald’s body language changed. The officer then stated in substance, you have it? McDougald nodded slightly in the affirmative.

The officer grabbed McDougald’s left hand to detain him and ordered him not to grab the gun. McDougald pulled away and ran. Almost immediately after McDougald started running, he grabbed for his waistband with his right hand and the officer saw a gun fall to the ground. The officer stopped and recovered the gun, a Glock 9mm (serial number VNE556), from the front yard of 2302 Harvard Avenue. The gun was reported stolen from a home in Creedmore, North Carolina in 2021. McDougald was arrested three days later.



The body-worn camera from the encounter shows McDougald interacting with the officer.



Interstate Nexus

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Special Agent Michael Newsome, a firearms nexus expert who has previously been qualified as such in federal court, examined the Glock 9mm handgun (serial number VNE556) and determined that it was manufactured outside the state of North Carolina.

This, the 24th day of April, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2023, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Mireille P. Clough, Esq.

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